

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID GOLDSTINE,

Plaintiff,

v.

FEDEX FREIGHT, INC., a Washington State
entity; "DOE(S) 1-100", employees of
FEDEX FREIGHT, INC.; and
CORPORATION(S) XYZ 1-100,

Defendants.

Case No. 2:18-cv-01164 MJP

**PLAINTIFF'S SECOND SET OF
INTERROGATORIES AND
REQUESTS FOR PRODUCTION TO
DEFENDANT FEDEX FREIGHT,
INC.**

REQUESTING PARTY: Plaintiff DAVID GOLDSTINE

RESPONDING PARTY: Defendant FEDEX FREIGHT, INC.

SET NO.: TWO

Plaintiff David Goldstine, in his individual capacity herein, hereby serves these Interrogatories and Requests for Production upon Defendant FedEx Freight, Inc. These Interrogatories are served upon you in accordance with Federal Rules of Civil Procedure 33 and 34. Your attention is directed to Fed. R. Civ. P. 26(e) regarding your continuing duty to supplement your answers herein. Answer in the spaces provided (using additional sheets as

1 needed), and verify your answers under oath, signing on the last page. The original of your
2 answers, signed by you, are to be returned to the undersigned attorney within 30 days of service
3 of these Interrogatories upon you.

4 ***THIS IS ALSO A REQUEST FOR PRODUCTION, PURSUANT TO FEDERAL***
5 ***RULE OF CIVIL PROCEDURE 34.***

6 Please produce requested items for inspection and copying at the offices of Ada K.
7 Wong, AKW LAW, P.C., 6100 219th St. SW, Suite 480, Mountlake Terrace, WA 98043, thirty
8 (30) days from the date of service of this set of Interrogatories and Request for Production
9 upon you.

10 Be advised that the Interrogatories and Requests for Production herein apply to all
11 information and items within your knowledge or control, and that of your attorneys, agents,
12 representatives and other persons acting on your behalf. Answer each interrogatory as fully as
13 possible within the time limit, and furnish additional information when it becomes available.

14 If there are any additions, deletions or changes in the answers or information provided
15 at any time prior to trial, you are specifically directed to immediately so inform Plaintiffs'
16 counsel. If additional information is discovered between the time of making these answers and
17 the time of trial, these interrogatories are directed to that information. If such information is
18 not seasonably furnished within a reasonable time prior to trial, the undersigned will move at
19 or before trial to exclude from evidence any such information known to you or in your
20 possession or that of your attorneys, agents, liability insurers, and others acting on your behalf,
21 and will request other appropriate sanctions.

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23 ///

1 **DEFINITIONS**

2 As used herein:

3 1. **Communication.** The term “communication” means any oral or written
4 expression or exchange of information by speech, writing, or conduct including, but not limited
5 to, in-person conversations, telephone conversations, correspondence, email messages, text
6 messages, electronic instant messages, social media messages, and all other forms of
7 communication.

8 2. **Document.** The term “document” shall be used in its broadcast sense as
9 permitted by Federal Rules of Civil Procedure 26 and 34 and means all writings of every kind
10 including, but not limited to, the original or any legible copy of all records, letters,
11 correspondence, appointment books, diaries, files, notes, statements, memoranda or minutes
12 of meetings, conferences and telephone calls, emails, faxes, receipts, written reports or
13 opinions of investigators or experts, status reports, drawings, charts, photographs, negatives,
14 brochures, lists, schedules, manuals, technical notes or standards, expense accounts, financial
15 statements or audit reports, however produced or reproduced, within your possession or subject
16 to your control, of which you have knowledge or to which you now have or previously had
17 access. The term “document” includes drafts and copies that are not identical duplicates of the
18 originals, and copies of documents, the originals of which are not in your possession, custody,
19 or control.

20 3. **Identity of Individuals.** Where the name or identity of an individual person is
21 requested, or where the term "identify" is used in reference to an individual person, please state
22 with respect to each such person:

23 a. Full name;

- b. Current or last known residence address, and telephone number;
- c. Current or last known business address and telephone number;
- d. All known email addresses;
- e. Current position or occupation;
- f. Employer;
- g. His or her present whereabouts and his or her present employment position and business affiliation at the time in question; and,
- h. Relationship to you.

Unless it otherwise appears from the context, a request for the identity of a person relates to all persons in such classification or category.

4. ***Identity of Document.*** The term “identify”, when used in reference to a document, means to state with respect to each document:

- a. Title of document;
- b. The date of preparation of the document;
- c. The name and title of each author, sender, creator and initiator of such document;
- d. The name and title of recipient, addressee, or party for whom such document was intended (if any);
- e. The nature of the document (e.g., letter, memorandum, tape) and other means of identification sufficient to identify the document for purposes of a request for production, and to further state its present location and custodian;
- f. Source from whom or from which you obtained the document;
- g. Number of pages the document comprises;

h. Production number(s); and,

i. If any such document was, but no longer is, in your possession or custody or subject to your control, describe what disposition was made of it, and give the name, address and telephone number of the person presently having possession, custody or control of the document.

5. ***Identity of Entity.*** The term “identify”, when used in reference to an entity other than a natural person, means to state with respect to each such entity:

- a. Full legal name or title;
- b. Form of business (i.e. profit corporation, partnership);
- c. Complete business location and mailing address;
- d. Telephone and facsimile numbers;
- e. State of incorporation or juridical organization;
- f. Address of headquarters of principal place of business; and,
- g. Relationship to you.

6. ***Knowledge or Information.*** Where your knowledge or information in your possession is requested, that request includes knowledge of your agents, representatives, employees and attorneys. When the answer is made by a corporate defendant, the name, address and title of the person supplying the information and the source of such person's information must be included as well.

7. ***Sources of Information.*** The phrase "state the source of your information" means to identify the person and the documents from which the information was obtained where your answers are not based upon your own first-hand information.

1 8. **Person.** “Person” means, without limitation, any natural person, proprietorship,
2 companies, firms, corporations, partnerships, limited liability companies, independent
3 contractors, groups, associations, joint ventures, associations, trusts, estates, communities,
4 agencies, institutions, labor unions, or any form of business, social or legal entity, including
5 governmental subdivisions.

6 9. **You/Defendant.** “You” means Defendant FedEx Freight, Inc., located at 6414
7 Hardeson Road, Everett, Washington 98203, and its attorneys, agents, employees, officers,
8 representatives, adjusters, investigators and all other persons who are in possession of or who
9 have obtained information on your behalf.

10 10. **And/or.** “And” or “or” means “and/or,” with the singular form being deemed
11 to include the plural and vice versa.

12 11. **“He”** or any other masculine, feminine or neuter pronoun means any individual,
13 regardless of sex or entity, to whom the interrogatory or request for production would
14 otherwise apply.

15 12. **“Relating to”** means to be relevant in any way to the subject matter in questions,
16 including without limitation all information that directly or indirectly contains, describes,
17 records summarizes, evaluates, refers to, is pertinent to, comments upon, or discusses the
18 subject matter or that states the background of, or was the basis for, or that records, evaluates,
19 was referred to, relied upon, used generated, transmitted, or receive din arriving at any
20 conclusion, opinion, estimate, position, decision, belief, or assertion concerning the subject
21 matter.

13. **“Any”** should be understood in either its most or least inclusive sense as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.

14. All documents, including records, files, e-mails, correspondence, and memoranda, stored electronically must be produced in its native format, including all metadata.

15. The use of the singular form of any word includes the plural and vice versa. The masculine includes the feminine and neuter genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense. “And” as well as “or” shall be construed disjunctively or conjunctively as necessary to bring within the scope of the request all responses that otherwise might be construed to be outside the scope. “Include” and “including” and variations thereof shall not be interpreted in terms of limitations but shall be deemed to be followed by the words “without limitation.” “Any” shall be construed as synonymous with “every and “all” and shall be all-inclusive.

These discovery requests shall be deemed to be continuing, and, in the event that you discover information that is responsive to these requests, you are to promptly supplement your answers to these requests.

INSTRUCTIONS

1. **Relevant Time Period:** Unless otherwise noted, the relevant time period for which documents and information are requested is **February 1, 2015 to present**.

2. **Scope:** This Request requests production of information and documents that are in your possession, custody, or control, including documents in the possession of your employees, agents, independent contractors, representatives, and attorneys, unless privileged.

3. **Objections:** If you object to the information requested by any interrogatory or request for production in whole or in part, or contend that any identified document or information would be excluded from production in discovery, state the reasons for such objections or ground for exclusion, and identify each person having knowledge or the factual basis, if any, on which the objection, privilege, or other ground is asserted.

4. **Privileged Documents:** If any document is withheld under claim of privilege, identify the document and state the basis for the privilege, and provide a detailed privilege log that contains at least the following information for each document that you have withheld: (a) the name of each author, writer, sender, creator, or initiator of such document; (b) the name of each recipient, addressee, or party for whom such document was intended or to whom it was sent; (c) the date of such document, or an estimate thereof if no date appears on the document; (d) the general subject matter of the document; and (e) the claimed grounds for withholding the document, including but not limited to the nature of any claimed privilege and grounds in support thereof.

5. **Documents No Longer in Possession of Respondent/Destroyed Documents:** If any responsive document is no longer in your possession, custody or control, produce a description of each such document. The description shall include the following:

- a. Name of each author, sender, creator, and initiator of such document;
- b. Name of each recipient, addressee, or party for whom such document was intended;
- c. Date the document was created;
- d. Date(s) the document was in use;
- e. Detailed description of the content of the document;

f. Reason it is no longer in your possession, custody, or control; and,

g. Current location of the document.

6. **Duty to Supplement:** The Request imposes a continuing duty on you to produce promptly any responsive document, information, or item that comes into your knowledge, possession, custody, or control after your initial production of responses to the requests. You are also required to amend your responses if you discover a previous response was incorrect or incomplete.

DATED March 20, 2019.

AKW LAW, P.C.

/s/ Ada K. Wong

Ada K. Wong, WSBA #45936
Attorney for Plaintiff
6100 219th St. SW, Suite 480
Mountlake Terrace, WA 98043
Tel.: (206) 259-1259
Fax: (855) 925-9529
Email: ada@akw-law.com

DISCOVERY REQUESTS

PLEASE MAKE SURE TO READ THE DEFINITIONS SECTION ABOVE, IN PARTICULAR FOR THE TERM "IDENTIFY" AS RELATED TO INDIVIDUALS AND DOCUMENTS.

INTERROGATORIES

INTERROGATORY NO. 1:

Please identify by name, position held, and dates of employment all employees of Defendant FEDEX FREIGHT, INC. who have been investigated, disciplined, de-certified, placed on leave, and/or terminated for failure to meet medical certification requirements in the last five (5) years.

ANSWER:

INTERROGATORY NO. 2:

Please identify by name, title, and last known address and telephone numbers, each employee or consultant who at any time from February 1, 2015 to the present had or exercised any control or authority over disability accommodations at Defendant FEDEX FREIGHT, INC. For each such employee or consultant, identify:

(a) The dates during which they had or exercised such control or consulted; and

(b) In detail their role in evaluating employee disabilities, requests for disability accommodations, and making decisions related to same.

ANSWER:

1 **INTERROGATORY NO. 3:**

2 Describe in detail all disability accommodations that Defendant FEDEX FREIGHT,
3 INC. considered for and/or offered to Plaintiff DAVID GOLDSTINE, including all date(s) it
4 was considered and/or offered to Plaintiff DAVID GOLDSTINE.

5 **ANSWER:**
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8 **INTERROGATORY NO. 4:**

9 Please identify by name, job title, date, and type of training all supervisors and
10 managers at Defendant FEDEX FREIGHT, INC. who have undergone training for and/or
11 participated in any reasonable accommodation process or interactive process related to
12 employee disabilities and/or accommodations in the past five (5) years.

13 **ANSWER:**
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16 **REQUEST FOR PRODUCTION OF DOCUMENTS**

17 **REQUEST FOR PRODUCTION NO. 1:**

18 Please produce any and all documents that in any way refer to, relate to, support, or
19 contradict the allegations in paragraph 3 of the section titled “Affirmative And Other Defenses”
20 in Defendant FEDEX FREIGHT, INC.’s Answer to Amended Complaint, which states that
21 “Some or all of Plaintiff’s claims are barred because Plaintiff failed to exhaust administrative
22 remedies.”

23 **RESPONSE:**

REQUEST FOR PRODUCTION NO. 2:

Please produce any and all documents that in any way refer to, relate to, support, or contradict the allegation in paragraph 4 of the section titled “Affirmative And Other Defenses” in Defendant FEDEX FREIGHT, INC.’s Answer to Amended Complaint, which states that “Some or all of Plaintiff’s claims are barred because they are outside the scope of Plaintiff’s administrative charge.”

RESPONSE:

REQUEST FOR PRODUCTION NO. 3:

Please produce any and all documents that in any way refer to, relate to, support, or contradict the allegation in paragraph 6 of the section titled “Affirmative And Other Defenses” in Defendant FEDEX FREIGHT, INC.’s Answer to Amended Complaint, which states that “Some or all of Plaintiff’s claims are barred because of the insufficient and/or untimely filing and/or processing of his charge of discrimination with the Washington State Human Rights Commission.”

RESPONSE:

REQUEST FOR PRODUCTION NO. 4:

1 Please produce any and all documents that in any way refer to, relate to, support, or
2 contradict the allegation in paragraph 7 of the section titled “Affirmative And Other Defenses”
3 in Defendant FEDEX FREIGHT, INC.’s Answer to Amended Complaint, which states that
4 “Defendant has adopted anti-discrimination and anti-retaliation policies; has made good faith
5 efforts to educate its employees about these policies and statutory prohibitions; has made good
6 faith efforts to enforce these policies; and has made good faith efforts to investigate and remedy
7 any complaints Plaintiff has raised.”

8 **RESPONSE:**

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11 **REQUEST FOR PRODUCTION NO. 5:**

12 Please produce any and all documents that in any way refer to, relate to, support, or
13 contradict the allegation in paragraph 8 of the section titled “Affirmative And Other Defenses”
14 in Defendant FEDEX FREIGHT, INC.’s Answer to Amended Complaint, which states that
15 “Defendant did not act with malice or reckless indifference to Plaintiff’s protected rights.”

16 **RESPONSE:**

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19 **REQUEST FOR PRODUCTION NO. 6:**

20 Please produce any and all documents that in any way refer to, relate to, support, or
21 contradict the allegation in paragraph 11 of the section titled “Affirmative And Other
22 Defenses” in Defendant FEDEX FREIGHT, INC.’s Answer to Amended Complaint, which
23 states that “Plaintiff has failed to mitigate his damages.”

1 **RESPONSE:**

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4 **REQUEST FOR PRODUCTION NO. 7:**

5 Please produce any and all documents that in any way refer to, relate to, support, or
6 contradict the allegation in paragraph 12 of the section titled “Affirmative And Other
7 Defenses” in Defendant FEDEX FREIGHT, INC.’s Answer to Amended Complaint, which
8 states that “Plaintiff has failed to participate in the interactive process.”

9 **RESPONSE:**

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13 **REQUEST FOR PRODUCTION NO. 8:**

14 Please produce a copy of any and all documents that in any way refer to, relate to,
15 support, or contradict the information provided in paragraph 20 of Defendant FEDEX
16 FREIGHT, INC.’s Answer to Amended Complaint, which states “FedEx Freight admits Mr.
17 Jessen was unable to close the trailer door and the trailer later was serviced by a vendor. FedEx
18 Freight denies the remaining allegations contained in paragraph 20 of the Amended
19 Complaint,” including all documents sent or received to or from the vendor that is referenced
20 regarding the service that is referenced.

21 **RESPONSE:**

REQUEST FOR PRODUCTION NO. 9:

Please produce a copy of any and all documents that in any way refer to, relate to, support, or contradict the information provided in paragraph 38 of Defendant FEDEX FREIGHT, INC.'s Answer to Amended Complaint, which states "FedEx Freight admits it did not accept the April 13, 2017, Medical Examiner's Certificate because Plaintiff failed to list his complete health history, including medical restrictions preventing him from opening and closing a trailer door. FedEx Freight denies the remaining allegations contained in paragraph 38 of the Amended Complaint."

RESPONSE:

REQUEST FOR PRODUCTION NO. 10:

Please produce a copy of any and all documents that in any way refer to, relate to, support, or contradict the information provided in paragraph 39 of Defendant FEDEX FREIGHT, INC.'s Answer to Amended Complaint, which states "FedEx Freight admits the Medical Examination Report Form it received stating that Plaintiff was examined at U.S. Healthworks on April 13, 2017, included a reference to a right total knee replacement in 2006. FedEx Freight denies the remaining allegations contained in paragraph 39 of the Amended Complaint."

RESPONSE:

REQUEST FOR PRODUCTION NO. 11:

1 Please produce a copy of any and all documents that in any way refer to, relate to,
 2 support, or contradict the information provided in paragraph 40 of Defendant FEDEX
 3 FREIGHT, INC.'s Answer to Amended Complaint, which states "FedEx Freight admits
 4 Plaintiff met with Ms. Tayman on or around April 18, 2017, but denies the remaining
 5 allegations contained in paragraph 40 of the Amended Complaint."

6 **RESPONSE:**

9 **REQUEST FOR PRODUCTION NO. 12:**

10 Please produce a copy of any and all documents that in any way refer to, relate to,
 11 support, or contradict the information provided in paragraph 44 of Defendant FEDEX
 12 FREIGHT, INC.'s Answer to Amended Complaint, which states:

13 FedEx Freight admits Ms. Tayman recommended that Plaintiff provide a copy of
 14 his signed statement to the examining physician and read or say the following:

15 "FedEx Freight believes that David Goldstine told multiple
 16 employees that he was unable to perform job duties related to
 17 closing a trailer door because, quote, 'I am disabled'. Mr. Goldstine
 18 wrote the attached statement which states that he would not try to
 19 close the trailer door because he has 'limitations'. Because Mr.
 20 Goldstine will not disclose to FedEx Freight what his disability
 21 and/or limitations are, FedEx Freight has no opinion or knowledge
 22 as to what these limitations may be, though FedEx Freight believes
 23 it would logically relate to the ability to close a trailer door. Mr.
 Goldstine believes that he does not have to disclose disabilities or
 limitations to either FedEx Freight and/or examining physicians to
 become certified. Please examine accordingly in light of this
 ambiguity. Thank you."

24 FedEx Freight denies the remaining allegations contained in paragraph 44 of the
 Amended Complaint.

25 **RESPONSE:**

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3 **REQUEST FOR PRODUCTION NO. 13:**

4 Please produce a copy of any and all documents that in any way refer to, relate to,
5 support, or contradict the information provided in paragraph 54 of Defendant FEDEX
6 FREIGHT, INC.'s Answer to Amended Complaint, which states "FedEx Freight admits it
7 received a Medical Examiner's Certificate (which was not signed by a Medical Examiner) and
8 a Medical Examination Report Form dated June 15, 2017. FedEx Freight denies the remaining
9 allegations contained in paragraph 54 of the Amended Complaint."

10 **RESPONSE:**
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13 **REQUEST FOR PRODUCTION NO. 14:**

14 Please produce all documents, including but not limited to correspondence, notes,
15 memoranda, text messages, e-mails, letters, investigations, complaints, negotiations, reports,
16 records, text messages, voice messages, in the document(s)' native format, including all drafts,
17 that refer or relate to any and all training Christy Tayman received from Defendant FEDEX
18 FREIGHT, INC. regarding employee disabilities, discrimination, retaliation, reasonable
19 accommodation, and/or the interactive process.

20 **RESPONSE:**
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23 **REQUEST FOR PRODUCTION NO. 15:**

1 Please produce all documents, including but not limited to correspondence, notes,
2 memoranda, text messages, e-mails, letters, investigations, complaints, negotiations, reports,
3 records, text messages, voice messages, in the document(s)' native format, including all drafts,
4 that refer or relate to any and all training that David Appesland received from Defendant
5 FEDEX FREIGHT, INC. regarding employee disabilities, discrimination, retaliation,
6 reasonable accommodation, and/or the interactive process.

7 **RESPONSE:**

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10 **REQUEST FOR PRODUCTION NO. 16:**

11 Please produce all documents, including but not limited to correspondence, notes,
12 memoranda, text messages, e-mails, letters, investigations, complaints, negotiations, reports,
13 records, text messages, voice messages, in the document(s)' native format, including all drafts,
14 that refer or relate to any and all training Tammy Rogers received from Defendant FEDEX
15 FREIGHT, INC. regarding employee disabilities, discrimination, retaliation, reasonable
16 accommodation, and/or the interactive process.

17 **RESPONSE:**

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20 **REQUEST FOR PRODUCTION NO. 17:**

21 Please produce all documents, including but not limited to correspondence, notes,
22 memoranda, text messages, e-mails, letters, investigations, complaints, negotiations, reports,
23 records, text messages, voice messages, in the document(s)' native format, including all drafts,

1 that refer or relate to any and all communication that Defendant FEDEX FREIGHT, INC. sent
2 or received regarding Plaintiff DAVID GOLDSTINE'S employment, work performance,
3 medical certification, disability, accommodations, accommodation requests, termination, or
4 his claims against Defendant FEDEX FREIGHT, INC.

5 **RESPONSE:**

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8 **REQUEST FOR PRODUCTION NO. 18:**

9 Please produce all documents, including but not limited to correspondence, notes,
10 memoranda, text messages, voice messages, e-mails, letters, investigations, complaints,
11 negotiations, reports, and records, in the document(s)' native format, including all drafts, that
12 refer or relate to any and all communications that Defendant FEDEX FREIGHT, INC. sent or
13 received to or from U.S. Healthworks and/or Concentra regarding Plaintiff DAVID
14 GOLDSTINE.

15 **RESPONSE:**

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18 **REQUEST FOR PRODUCTION NO. 19:**

19 Please produce all documents, including but not limited to correspondence, notes,
20 memoranda, text messages, voice messages, e-mails, letters, investigations, complaints,
21 negotiations, reports, records, recorded interviews, notes of interviews, statements,
22 declarations, and affidavits, in the document(s)' native format, including all drafts, that refer
23 or relate to any and all allegations of Plaintiff DAVID GOLDSTINE or Defendant FEDEX

1 FREIGHT, INC. in this case.

2 **RESPONSE:**

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5 **REQUEST FOR PRODUCTION NO. 20:**

6 Please produce any and all written policies, procedures, rules, guidelines, standards,
7 and other documentation, in document(s)' native format, that refer or relate to each system,
8 platform, or application used by Defendant FEDEX FREIGHT, INC. between February 1,
9 2015 and the present for business-related internal and external messaging communication for
10 the FedEx Service Center at 6414 Hardeson Road Everett, WA, 98203 or any communications
11 relating to the employment of Plaintiff DAVID GOLDSTINE, and destruction policies and
12 procedures.

13 **RESPONSE:**

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16 **REQUEST FOR PRODUCTION NO. 21:**

17 Please produce any and all documents, in the document(s)' native format, including all
18 drafts, that refer, relate to, or support Defendant FEDEX FREIGHT's position that it engaged
19 in an interactive process with Plaintiff DAVID GOLDSTINE.

20 **RESPONSE:**

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23 **REQUEST FOR PRODUCTION NO. 22:**

1 Please produce all documents, including but not limited to correspondence, notes,
2 memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters,
3 investigations, complaints, negotiations, reports, records, recorded interviews, notes of
4 interviews, statements, declarations, and affidavits, in the document(s)' native format,
5 including all drafts, that refer or relate to Plaintiff DAVID GOLDSTINE's actual or perceived
6 disability, request(s) for accommodations, interactive process, and Defendant FEDEX
7 FREIGHT, INC.'s response.

8 **RESPONSE:**

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11 **REQUEST FOR PRODUCTION NO. 23:**

12 Please produce all documents, including but not limited to correspondence, notes,
13 memoranda, meeting notes, meeting minutes, text messages, voice messages, e-mails, letters,
14 investigations, complaints, negotiations, reports, records, recorded interviews, notes of
15 interviews, statements, declarations, and affidavits, in the document(s)' native format,
16 including all drafts, that refer or relate to any and all communications from February 1, 2015
17 to present authored or received by management, human resources, or any other employee at
18 Defendant FEDEX FREIGHT, INC., including but not limited to David Appesland, Christy
19 Tayman, and Tammy Rogers about Plaintiff DAVID GOLDSTINE's request(s) for
20 accommodation or his medical condition.

21 **RESPONSE:**

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REQUEST FOR PRODUCTION NO. 24:

Please produce a copy of all documents, job descriptions, background checks, reference checks, duties and responsibilities, position titles, promotions, demotions, transfers, notes, audio or video recordings, correspondence, memoranda, e-mails, letters, disciplinary records, training records, employment and/or personnel records, files or other communications maintained by Defendant FEDEX FREIGHT, INC.'s Human Resources and/or personnel department regarding, referring to, and/or related to Christy Tayman. **Please note we are not seeking any medical or health-related information and those should be redacted if produced as responsive documents.

RESPONSE:**REQUEST FOR PRODUCTION NO. 25:**

Please produce a copy of all documents, job descriptions, background checks, reference checks, duties and responsibilities, position titles, promotions, demotions, transfers, notes, audio or video recordings, correspondence, memoranda, e-mails, letters, disciplinary records, training records, employment and/or personnel records, files or other communications maintained by Defendant FEDEX FREIGHT, INC.'s Human Resources and/or personnel department regarding, referring to, and/or related to David Appesland. **Please note we are not seeking any medical or health-related information and those should be redacted if produced as responsive documents.

RESPONSE:

REQUEST FOR PRODUCTION NO. 26:

Please produce a copy of all documents, job descriptions, background checks, reference checks, duties and responsibilities, position titles, promotions, demotions, transfers, notes, audio or video recordings, correspondence, memoranda, e-mails, letters, disciplinary records, training records, employment and/or personnel records, files or other communications maintained by Defendant FEDEX FREIGHT, INC.'s Human Resources and/or personnel department regarding, referring to, and/or related to Tammy Rogers. **Please note we are not seeking any medical or health-related information and those should be redacted if produced as responsive documents.

RESPONSE:

DATED March 20, 2019.

AKW LAW, P.C.

/s/ Ada K. Wong

Ada K. Wong, WSBA #45936
 Attorney for Plaintiff
 6100 219th St. SW, Suite 480
 Mountlake Terrace, WA 98043
 Tel.: (206) 259-1259
 Fax: (855) 925-9529
 Email: ada@akw-law.com

ATTORNEY CERTIFICATION

The undersigned counsel for defendant hereby certifies Defendant's responses pursuant to Fed. R. Civ. P. 26(g).

Dated this _____ day of _____, 2019.

Donald H. Snook, KS Bar #21775
Medora Marisseau, WSBA #28169
Attorneys for Defendant FedEx Freight, Inc.

DECLARATION OF RESPONDING PARTY

I declare under the penalty of perjury under the laws of the State of Washington that I am the Defendant in this action OR I am the _____ of _____ and am authorized to make the foregoing answers. I declare that I have read the foregoing answers, know the contents thereof, and believe them to be true and correct.

Dated this _____ day of _____, 2019, at _____, Washington.

Name

Its

Address: _____

CERTIFICATE OF SERVICE

The undersigned certifies under the penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned, a citizen of the United States, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On March 20, 2019, I caused a copy of the foregoing **PLAINTIFF'S SECOND SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION TO DEFENDANT FEDEX FREIGHT, INC.** to be served on the parties listed below in the manner specified below:

| | | |
|---|-------------------------------------|--|
| Medora A. Marisseau KARR TUTTLE CAMPBELL 701 Fifth Avenue, Ste. 3300 Seattle, WA 98104 E-mail: mmarisseau@karrtuttle.com E-mail: kmejia@karrtuttle.com Donald H. Snook FEDEX FREIGHT, INC. 1715 Aaron Brenner Drive, Suite 600 Memphis, TN 38120 E-mail: donald.snook@fedex.com E-mail: deborah.hill@fedex.com <i>Attorneys for Defendant FedEx Freight, Inc.</i> | <input type="checkbox"/> | VIA FACSIMILE |
| | <input checked="" type="checkbox"/> | VIA FIRST CLASS U.S. MAIL |
| | <input type="checkbox"/> | VIA MESSENGER/HAND DELIVERY |
| | <input checked="" type="checkbox"/> | VIA E-MAIL/E-FILE <i>Per 11/30/18 Stipulation</i> <i>Regarding Electronic Service</i> |

Dated this 20th day of March, 2019, at Mountlake Terrace, Washington.

/s/ Ada K. Wong
 Ada K. Wong